

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TOWN OF HALFMOON and COUNTY OF
SARATOGA,

Plaintiffs,

-v-

1:09-CV-228 (LEAD)

GENERAL ELECTRIC COMPANY,

Defendant.

SARATOGA COUNTY WATER AUTHORITY,

Plaintiff,

-v-

1:11-CV-6 (MEMBER)

GENERAL ELECTRIC COMPANY,

Defendant.

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DAVID N. HURD
United States District Judge

ORDER

On March 29, 2016, an in-person pretrial status conference was held in Utica, New York with the parties to this matter. At that time, it was noted that a prior Memorandum–Decision & Order, issued on May 12, 2015, concluded that bifurcation of the liability and damages issues in this action would be appropriate. ECF No. 276. However, after further consideration of the governing legal principles, division of these issues would be unwarranted. See FED. R. CIV. P. 42(b); see also, e.g., Comput. Assocs. Intern., Inc. v. Simple.com, Inc., 247 F.R.D. 63, 66-67 (E.D.N.Y. 2007).

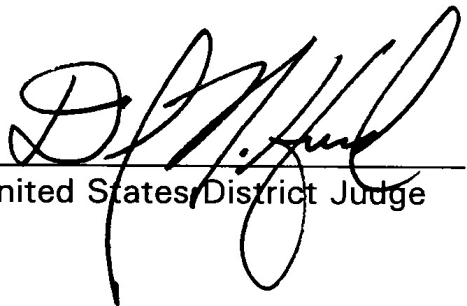
It is further noted that a recent Memorandum–Decision & Order, issued on March 3, 2016, denied certain of the parties' expert preclusion motions without prejudice to renew, reasoning that because the proffered testimony at issue was relevant only to a possible damages trial, a decision was unnecessary at that juncture. ECF No. 292. Given the conclusion outlined above, a decision on these remaining experts is now necessary. After careful consideration, a proper application of the governing legal principles—set forth at length in the March 3 MDO—counsels the denial of those motions on the merits. Accordingly, those motions will be denied.

Therefore, it is

ORDERED that

1. The parties' motions to preclude experts relevant to damages are DENIED;
2. A jury trial in this matter will begin on Monday, September 19, 2016 beginning at 9:30 a.m.;
3. Pre-trial submissions shall be filed by Friday, August 19, 2016; and
4. The parties are referred to U.S. Magistrate Judge Christian F. Hummel for settlement discussions.

IT IS SO ORDERED.



United States District Judge

Dated: April 6, 2016
Utica, New York.